

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TRIJIDIA ESTRADA LOMELI,

Plaintiff,

vs.

**AMERICAN FAMILY INSURANCE
GROUP, et al.,**

Defendants.

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8:05CV117

ORDER

This matter has been referred to the undersigned magistrate judge for full pretrial supervision. I previously recommended to Judge Smith Camp that this case be dismissed without prejudice for failure to prosecute, based on plaintiff's failure to comply with the court's scheduling orders and counsel's unexcused failure or refusal to use the court's CM/ECF System.

Plaintiff subsequently requested an extension of time to comply with Fed. R. Civ. P. 26(f) (#23). I have reviewed the files of the court and note that plaintiff's attorney has begun using the CM/ECF System. The recommendation for dismissal was entered because of the court's concern that plaintiff had no intention of obeying the rules and orders of this court. Because those concerns have been mollified,

IT IS ORDERED:

1. The Report and Recommendation for dismissal (#18) is hereby withdrawn.
2. Plaintiff's Motion for Extension of Time to file a Rule 26(f) report (#23) is granted, and the court will consider the Rule 26(f) report proposed by the plaintiff (#24).
3. After considering the planning reports submitted by the parties¹ (#17 by the defendants and #24 by the plaintiff), an initial case progression order will be entered.

DATED December 15, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**

¹Both of the planning reports indicate that the parties will consent to trial by a magistrate judge. If the parties wish to try the case to a magistrate judge, counsel will need to execute the attached consent form and return it to the Clerk of the Court.